

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ZYVIE BEILARUS<sup>1</sup> and ANDRIY  
BEILARUS<sup>1</sup>,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, et al.,

Defendants.

CASE NO. 2:24-cv-01925-MJP

ORDER REGARDING  
PLAINTIFFS' MOTION TO  
PROCEED UNDER PSEUDONYM  
AND MOTION TO SEAL

This matter comes before the Court on Plaintiffs' Motion for Protective Order for Administrative Leave to Proceed Under Pseudonym, (Dkt. No. 2,) and Plaintiffs' Motion to Seal, (Dkt. No. 4.) Having reviewed the Motions and all supporting documents, the Court GRANTS both Motions.

**BACKGROUND**

Plaintiffs, a married couple comprised of a Belarus national and a Ukraine national, filed for asylum and withholding of removal in 2016 and 2017. (Compl. ¶ 47.) They filed the present

lawsuit following an eight-year delay in adjudicating their applications. (Id.) Plaintiffs generally allege that they and their families face potential imprisonment and death due to Plaintiffs' opposition to Belarus's President Alexander Lukashenka. (See generally Dkt. No. 2-1) Plaintiffs now bring the present motions to proceed "proceed with a name-only complaint and pseudonym name Zyvie Bielarus<sup>1</sup> and Andriy Bielarus<sup>1</sup> on the [Court's] docket page." (Dkt. No. 2 at 10.) Separately, Plaintiffs move to seal certain initial case documents which containing their non-pseudonym identities. (Dkt. No. 4.)

## ANALYSIS

### A. Motion to Proceed Under Pseudonym

A party may proceed under a pseudonym "in the 'unusual case' when nondisclosure of the party's identity 'is necessary . . . to protect a person from harassment, injury, ridicule or personal embarrassment.'" Does I thru XXIII v. Advanced Textile Corp., 214 F.3d 1058, 1067–68 (9th Cir. 2000) (quotations omitted). Specifically, "a party may preserve his or her anonymity in judicial proceedings in special circumstances when the party's need for anonymity outweighs prejudice to the opposing party and the public's interest in knowing the party's identity." Id. Where "pseudonyms are used to shield the anonymous party from retaliation, the district court should determine the need for anonymity by evaluating the following factors: (1) the severity of the threatened harm; (2) the reasonableness of the anonymous party's fears; and (3) the anonymous party's vulnerability to such retaliation." Id. (internal citations omitted). "The court must also determine the precise prejudice at each stage of the proceedings to the opposing party, and whether proceedings may be structured so as to mitigate that prejudice." Id. "Finally, the court must decide whether the public's interest in the case would be best served by requiring that the litigants reveal their identities." Id. (internal citations omitted). Therefore, "where the

1 plaintiffs have demonstrated a need for anonymity, the district court should use its powers to  
2 manage pretrial proceedings, and to issue protective orders limiting disclosure of the party's  
3 name, to preserve the party's anonymity to the greatest extent possible without prejudicing the  
4 opposing party's ability to litigate the case." Id. at 1069–70.

5           The Court concludes that Plaintiffs' need for anonymity outweighs any prejudice  
6 to Defendants and the public's interest in knowing Plaintiffs' identities. See Advanced Textile  
7 Corp., 214 F.3d at 1068. Plaintiffs have presented evidence regarding the harm they fear from  
8 the disclosure of their names, the severity of that harm, and their particular vulnerability to that  
9 harm. The Court declines to recount the particulars of this evidence here, as it has been filed  
10 under seal and only made available to Defendant's counsel. See id. at 1064 n.7. The Court  
11 further finds that Defendant will not be prejudiced if Plaintiffs are allowed to proceed under a  
12 pseudonym because Plaintiff has already shared their identities with Defendant in the sealed  
13 complaint. The Court concludes that the Plaintiffs' need for anonymity outweighs Defendant's  
14 interest in using their full names in this proceeding.

15           The Court also finds that the public interest weights in favor of anonymity. This case  
16 turns on (1) the agency's delay in adjudicating Plaintiffs' asylum and withholding of removal  
17 applications; and (2) the agency's allocation of certain asylum fees and resources within the  
18 broader asylum scheme. (See Complaint ¶¶ 74, 76). Disguising Plaintiffs' identities will not  
19 obstruct public scrutiny of the important issues in this case. See Advanced Textile, 214 F.3d at  
20 1072; see also Sealed Plaintiff v. Sealed Defendant, 537 F.3d 185, 190 (2d Cir. 2008)  
21 (considering "whether, because of the purely legal nature of the issues presented . . . , there is an  
22 atypically weak public interest in knowing the litigants' identities"). Therefore, confidentiality is  
23 justified to ensure resolution of Plaintiffs' claim without subjecting themselves or their families  
24

1 to any harm. The Court may revisit the issue at a later stage of the proceedings if Defendants so  
 2 move. See G.M.T. v. Mayorkas, No. C24-0344-JLR, 2024 WL 1859857, at \*2 (W.D. Wash. Apr.  
 3 29, 2024).

#### 4 **B. Protective Order**

5 Federal Rule of Civil Procedure 5.2(e) provides that a court may require redaction of  
 6 private information from court filings “for good cause.” To show “good cause,” the party seeking  
 7 redaction must show that “specific harm or prejudice will result” if the protective order is not  
 8 granted. In re Roman Catholic Archbishop of Portland in Or., 661 F.3d 417, 424 (9th Cir. 2011).  
 9 For the same reasons discussed in the preceding section, the Court concludes that Plaintiffs have  
 10 shown good cause for requiring confidentiality. See NML Capital Ltd. v. Republic of Argentina,  
 11 No. 2:14-CV-492-RFB-VCF, 2015 WL 727924, at \*3–4 (D. Nev. Feb. 19, 2015) (finding good  
 12 cause to redact information regarding immigration status). Therefore, the Court GRANTS  
 13 Plaintiffs’ motion for a protective order. The Parties shall refer to Plaintiffs by pseudonyms  
 14 “Zyvie Bielarus1” and “Andriy Bielarus1” in all filings and public proceedings. The case caption  
 15 and names on the docket page, which already reflect the pseudonyms, shall remain as they  
 16 currently appear.

#### 17 **C. Motion to Seal Non-Pseudonym Versions of Initial Case Documents**

18 Courts have recognized a “general right to inspect and copy public records and  
 19 documents, including judicial records and documents.” Kamakana v. City & Cnty. of Honolulu,  
 20 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting Nixon v. Warner Commc’ns, Inc., 435 U.S. 589,  
 21 597 & n.7 (1978)). Accordingly, when a court considers a sealing request, its starts with “a  
 22 strong presumption in favor of access to court records.” Foltz v. State Farm Mut. Auto. Ins. Co.,  
 23 331 F.3d 1122, 1135 (9th Cir. 2003). This presumption, however, “is not absolute and can be  
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1 overridden given sufficiently compelling reasons for doing so.” Id. When the documents are only  
2 tangentially related to the merits, however, the party seeking to seal the records need only show  
3 “good cause.” Ctr. for Auto Safety v. Chrysler Grp., LLC, 809 F.3d 1092, 1097–1101 (9th Cir.  
4 2016). For the same reasons discussed above, the Court determines that Plaintiffs have shown  
5 good cause to seal the initial case documents.

### 6 CONCLUSION

7 Having found good cause to do so, the court hereby ORDERS that the Parties shall refer  
8 to Plaintiffs by pseudonyms “Zyvie Bielarus1” and “Andriy Bielarus1” in all filings and public  
9 proceedings. The case caption and names on the docket page, which already reflect the  
10 pseudonyms, shall remain as they currently appear. It is FURTHER ORDERED that Dkt. Nos. 3  
11 and 4, including all attachments, shall remain under seal.

12 The clerk is ordered to provide copies of this order to all counsel.

13 Dated January 15, 2025.

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15 Marsha J. Pechman  
16 United States Senior District Judge  
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